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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/651,076	GRANNAN ET AL.
		Examiner	Art Unit
		MARY GREGG	3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 May 2011*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10,16-18,22-24,50,51 and 53-62* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10, 16-18, 22-24, 50-51 and 53-62* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Detailed Action

1.   The following is a Final Office Action in response to communications received

May 10, 2011. Claim 19-21, 25-28, 42-49, 52 have been canceled. Claims 1-2, 5-8, 16-

18, 22, 55-56 and 59-60 have been amended. Claims 11-15, 29-41 were previously

withdrawn. No new claims have been added. Therefore, claims 1-10, 16-18, 22-24, 50-

51 and 53-62 are pending and addressed below.

Response to Arguments

Claim Rejections - 35 USC § 103

2.   Applicant's arguments have been considered but are not persuasive for at least

the following reasons:

3.   Applicant argue (1) that the prior art combination fails to teach or suggest content

broker configured "a content broker configured to send to a content provider [that is

distinct from the content broker system and is distinct from the at least one media

device] via a network, the second data record identifying the list of two or more media

formats that are compatible with at least one media device" as in claim 1 (2) Applicant's

argue that the prior art Mourad fails to teach or suggest sending data record that

identifies a list of media formats that are compatible with a particular media device to a

content provider via a network (3) Applicant argues that the prior art Hutsch fails to

teach or suggest send[ing] to a content provider via a network, the second data record

identifying the list of two or more media formats that are compatible with the at least one

media device as in claim 1

4.   In response to argument (1) the prior art Shaw teaches multiple protocols for

application use and display within one or more user devices with appropriate protocol

applied to the multiple device environment providing teaching for identifying two or more

media format. The prior art Shaw further teaches a "first tier contains a "variety of

diverse client devices" ...a "second tier having browser interface usable in a standard

Microsoft windows environment" ... Java interface, Html interface, etc... again two or

more media format identified.   Shaw in combination with Hutsch, teaches the broker

checks if service may be accessed by user and whether components for service have

been instantiated, and if not then the broker accesses a registry of factories (note

plurality which suggest more than one) to determine whether components can be

instantiated for accessing the requested content; which teaches/makes obvious sending

to the provider data identifying components needed for compatibility of media format.

Furthermore, applicant's arguments with respect to "that is distinct from the content

broker system and is distinct from the at least one media device" was previously deleted

from the claim and therefore does not provide any further limitation to the claim

presented 21 Dec. 2011.

The prior art Shaw teaches in at least Col 17 lines 15-40:

> Proceeding from either step 774 or 782 the session manager, at step 778, instantiates
> the appropriate protocol engine if one is not already running for the requested application
> type, instantiates display engine for the client device type, and downloads the display
> engine to the client device. Also here the instantiated protocol engine establishes a
> connection to the application server and the requested application. The user then
> interacts with the requested application. A determination is made at step 790 whether or
> not the application is resumable in the event that the connection to the client is ended.
> This information is either retrieved from data store 273 and can be determined from user
> input gotten when the application is started. Disconnection's can be voluntary by the user
> or accidental due to network problems. If the application is not to be resumable, the
> process goes to step 794 to disconnect the application upon the user exiting. If the

application is resumable, the process at step 798 will keep the connection to the
application server and suspend the instance of the application that was running until the
client device and user reconnect.

The broker protocol engine's established connection to the application server for
accessing the requested application fairly suggest the broker server sending information
to the application server thereby providing some teaching suggestion or motivation in
the prior art that would have led one of ordinary skill to modify the prior art reference
teachings to arrive at the claimed invention. See MPEP 2143.

The examiner maintains the rejection.

In response to argument (2) that the prior art Mourad fails to teach or suggest
sending data record that identifies a list of media formats that are compatible with a
particular media device to a content provider via a network, the examiner respectfully
disagrees. The prior art Mourad teaches in at least FIG. 1, FIG. 15: Col 7 lines 65-66:
Mourad teaches system functional elements that encompasses multiple end-user
devices and teaches in Col 8 lines 25-65: Metadata source container formation, offer
secure container format, transaction secure container format, license secure container
format, content secure container format, with automated metadata acquisition.

Col 9 lines 30-67- Col 10 lines 1-5: teaches:

> E. **End-User Device(s)** 109 in Broadcast Delivery Mode 1. Multi-Tier Digital TV
> Embodiment 2. Web broadcasting Over Separate Channels Embodiment I. Secure Digital
> Content Electronic Distribution System A. System Overview
>
> (77) **The Secure Digital Content Electronic Distribution System is a technical
> platform that encompasses the technology, specifications, tools, and software
> needed for the secure delivery and rights management of Digital Content and
> digital content-related content to an end-user, client device. The End-User
> Device(s) include PCS, set top boxes (IRDs), and Internet appliances. These
> devices may copy the content to external media or portable, consumer devices as
> permitted by the content proprietors**. The term Digital Content or simply Content,

refers to information and data stored in a digital format including: pictures, movies, videos, music, programs, multimedia and games.

(78) **The technical platform specifies how Digital Content is prepared, securely distributed through point-to-point and broadcast infrastructures (such as cable, Internet, satellite, and wireless) licensed to End-User Device(s), and protected against unauthorized copying or playing**. In addition, the architecture of the technical platform allows for the integration and migration of various technologies such as Watermarking, compression/encoding, encryption, and other security algorithms as they evolve over time.

Col 11 lines 47-60:

The architecture is open regarding the nature of the Content and its format. Distribution of audio, programs, multimedia, video, or other types of Content is supported by the architecture. The Content could be in a native format, such as linear PCM for digital music, or a format achieved by additional preprocessing or encoding, such as filtering, compression, or pre/de-emphasis, and more. The architecture is open to various encryption and Watermarking techniques. It allows for the selection of specific techniques to accommodate **different Content types and formats and to allow the introduction or adoption of new technologies as they evolve. This flexibility allows Content Provider(s) to pick and evolve the technologies they use for data compression, encryption, and formatting within the Secure Digital Content Electronic Distribution System**.

(91) The architecture is also open to different distribution networks and distribution models. The architecture supports content distribution over low-speed Internet connections or high-speed satellite and cable networks and can be used with point-to-point or broadcast models. In addition, the **architecture is designed so that the functions in the End-User Device(s) can be implemented on a wide variety of devices, including low cost consumer devices.** This flexibility allows Content Provider(s) and retailers to offer Content to intermediate or End-User(s) through a variety of service offerings and enables the users to purchase or license Content, play it back, and record it on various compliant player devices.

Note that the prior art Mourad teaches in at least the above cited, an architectural structure for sending data record that identifies a list of media formats that are compatible with a particular media device to a content provider via a network to provide greater flexibility **"to allow the introduction or adoption of new technologies as they evolve and architecture is designed so that the functions in the End-User Device(s) can be implemented on a wide variety of devices, including low cost consumer devices"**.

Hutsch teaches in at least the abstract:

> A network portal system includes a web-top manager and a universal content broker system. The web-top manager is configured to receive a content request from a user device, where the content request includes a content provider identifier. The universal content broker system is coupled to the web-top manager. The universal content broker system includes a plurality of content providers. Each content provider in the plurality of content providers is associated with a different content provider identifier. Also, each content provider accesses content having a different raw data format. **A universal content broker is coupled to the web-top manager and to the plurality of content providers. Upon the receipt of the content request from the web-top manager, the universal content broker passes the request to a content provider in the plurality of content providers that is associated with the content provider identifier**.

The prior art further teaches in para 0165:

> [0165] In **provider check operation** 403, desktop servlet 322 uses presentation and logic service 323 to determine **whether there are components available within service 323 to access universal content broker 113 for the type of information requested, e.g., for the MIME type of the information** (para 0114 defines MIME *as an example of a definition of a type of content. In general, the **content type determines the raw data format of the content**. As explained more completely below, the content identifier is used to select a content provider that supplies, creates, or **acts on content having a raw data format**) . For example, service 323 may access a user configuration file that was generated using configuration server 336 to determine whether components within service 323 have been instantiated for accessing universal content broker 113 for the type of information requested and for this user. If such components do not exist, in one embodiment, service 323 **accesses a registry of factories to determine whether components can be instantiated for accessing the requested type of content,** and if so uses the appropriate factory to instantiate the necessary components within service 323.

Hutsch teaches as cited above a provider check operation to determine whether the MIME type information requested is accessible and if not sending information to the factories which fairly suggest the factories encompass content providers. The rejection is maintained.

In response to applicant's argument (3) that the prior art Hutsch fails to teach or suggest send[ing] to a content provider via a network, the second data record identifying the list of two or more media formats that are compatible with the at least one media device as in claim 1.

The prior art Hutsch is directed to a method and system for receiving

content request from a multiplicity of user device(s) and specialized devices (see

para 0008).   The prior art's teaches of a universal broker includes access to a

plurality of content providers wherein each content provider accesses content

having different data format. The prior art also teaches that content request as

disclosed in para 0165 requires raw data format and that some request

encompass data format not readily available with the service and teaches

requesting that if data format requested is not available that the content broker

will request the factories (i.e. content provider) for the type of information

requested. The prior art teaches the purpose of the art to be is to solve the

issuer where services or content provided by some provider systems may be

incompatible with services or content provided by other provider systems and

solving the situation where communication schemes(*note plurality of*

communication schemes) may be incompatible and not universally accessible or

supported by all client systems. The prior art is further directed toward solving

the issue where existing portal products are limited to a subset of client systems

and permitting this subset of client systems (note plurality of systems) to access

at most a limited amount of content that is available which fairly suggest that

more than one format is requested for availability from the factories (content

providers)

The prior art further teaches in para 0165:

> [0165] In **provider check operation** 403, desktop servlet 322 uses presentation and logic
> service 323 to determine **whether there are components available within service 323**

**to access universal content broker 113 for the <u>type of information requested, e.g.,</u>
<u>for the MIME type of the information</u> (**para 0114 defines MIME *as an example of a
definition of a type of content. In general, the* **content type determines the raw data
format of the content***. As explained more completely below, the content identifier is used
to select a content provider that supplies, creates, or* **acts on content having a raw data
format***)* . For example, service 323 may access a user configuration file that was
generated using configuration server 336 to determine whether components within service
323 have been instantiated for accessing universal content broker 113 for the type of
information requested and for this user. If such components do not exist, in one
embodiment, service 323 **accesses a registry of factories to determine whether
components can be instantiated for accessing the requested type of content,** and if
so uses the appropriate factory to instantiate the necessary components within service
323.

With respect to the rejection of claims 8 and 57- 60 the applicant argues (1) that
due to the deficiencies of the rejection of independent claim as cited above, Claims 8
and 57- 60 are allowable. See response above with respect to claim 1.

Applicant further argues with respect to claim 8 (1) that the service as described
in Hutsch is distinct from the content provider and that the "presentation and logic
service" determines whether the service is able to access the universal content broker
and therefore does not teach the component as presented by the claims "*send, to a
content provider via a network, the second data record identifying the list of two or more
media formats that are compatible with the at least one media device, wherein the
second data record is retrieved from the memory, and wherein the content provider is
distinct from the content broker system and is distinct from the at least one media
device*", (2) that the information requested from the factories does not describe a list of
two or more media formats (3) that claims 59 and 60 are allowable due to the
deficiencies cited above with respect to claim 8.

In response to applicant's argument (1) that the service as described in Hutsch is

distinct from the content provider and that the "presentation and logic service"

determines whether the service is able to access the universal content broker and

therefore does not teach the component as presented by the claims "*send, to a content*

provider via a network, the second data record identifying the list of two or more media

formats that are compatible with the at least one media device, wherein the second data

record is retrieved from the memory, and wherein the content provider is distinct from

the content broker system and is distinct from the at least one media device", the

examiner respectfully disagrees and points to FIG. 3B, FIG. 4 and

[0037] In one embodiment of the present invention **a computer program product comprising computer program code for a universal content broker service including at least one of**, or alternatively any combination of a component interface; a content provider interface; a content provider manager interface; **and a content identifier factory interface.**

[0161] FIG. 4 is a high-level process flow diagram for one embodiment of network portal system 100. A user inputs a request via a browser 304 executing on client device 102i in transmit request to web-top manager operation 401. **Information in the request identifies whether the request is for content available through universal content broker 113, for content available from an external provider, e.g., through one of plurality of portlets 324, or for a service in remote applications 310 that is supported by web-top manager 111**.

[0165] In provider check operation 403, desktop servlet 322 uses presentation and logic service 323 to **determine whether there are components available within service 323 to access universal content broker 113 for the type of information requested, e.g., for the MIME type of the information. For example, service 323 may access a user configuration file that was generated using configuration server 336 to determine whether components within service 323 have been instantiated for accessing universal content broker 113 for the type of information requested and for this user. If such components do not exist, in one embodiment, service 323 accesses a registry of factories to determine whether components can be instantiated for accessing the requested type of content, and if so uses the appropriate factory to instantiate the necessary components within service 323.**

[0166] In either of these cases, there are **components within service 323 for** **interacting with universal content broker 113 for the particular type of data** **requested** and so check operation 403 transfers to access components operation **405**, and otherwise transfers to return provider error operation 404. In return provider

error operation 404, desktop servlet 322 generates an HTML page that is returned to client device 102i, which informs the user that the requested content is unavailable.

Note that the prior art teaches determining if the components are available within service 323 to access universal content broker for the type of information request for MIME (para 0114 defines MIME *as an example of a definition of a type of content. In general, the **content type determines the raw data format of the content**. As explained more completely below, the content identifier is used to select a content provider that supplies, creates, or **acts on content having a raw data format**). As presented in the prior art the universal content broker and the "presentation and logic service 323" are interrelated and connected for any content distributed by the universal content broker. As cited above the prior art teaches of a factory interface with the universal broker in the computer program product. The service 323 is not a separate entity but a logic program that works interactively with the universal broker program. Therefore fairly suggesting to one of ordinary skill in the art that the universal broker must as presented by the prior art encompass the logic service 323 in order to determine any MIME, thereby providing some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In response to argument (2) that the information requested from the factories does not describe a list of two or more media formats, the examiner respectfully disagrees and points to:

[0165] In provider check operation 403, desktop servlet 322 uses presentation and logic service 323 to **determine whether there are components available within service 323 to access universal content broker 113 for the type of information requested, e.g., for the MIME type of the information**. For example, service 323 may access a user configuration file that was generated using configuration server 336 to determine whether components within service 323 have been instantiated for accessing universal content broker 113 for the type of information requested and for this user. If such components do not exist, in one embodiment, service 323 accesses a registry of factories to determine whether components can be instantiated for accessing the requested type of content, and if so uses the appropriate factory to instantiate the necessary components within service 323.

[0166] In either of these cases, there are **components within service 323 for interacting with universal content broker 113 for the particular type of data requested and so check operation 403 transfers to access components operation 405**, and otherwise transfers to return provider error operation 404. In return provider error operation 404, desktop servlet 322 generates an HTML page that is returned to client device 102i, which informs the user that the requested content is unavailable.

Note that the prior art teaches determining if the components are available within service 323 to access universal content broker for the type of information request for MIME (para 0114 defines MIME *as an example of a definition of a type of content. In general, the* **content type determines the raw data format of the content**. *As explained more completely below, the content identifier is used to select a content provider that supplies, creates, or* **acts on content having a raw data format**). As presented in the prior art the universal content broker and the presentation and logic service 323 are interrelated and connected for any content distributed by the universal content broker. The prior art teaches "**determine whether there are <u>components available within service 323 to access universal content broker</u> 113 <u>for the type of information requested</u>, e.g., <u>for the MIME type of the information</u> ...If such components do not exist (***e.g. for the MIME type of the information***), in one embodiment, service 323 accesses a registry of factories to determine whether components can be instantiated for accessing the requested type of content,**" as

cited above. Therefore, the examiner maintains that the prior art teaches the data sent

to the factories incorporates media format request.

In response to argument (3) that claims 59 and 60 are allowable due to the

deficiencies cited above with respect to claim 8, See response above with respect to

claim 8.

Applicant argued the cited portion of Abburi and Hutsch does not disclose or

suggest "sending device profile information [from the content broker system to the

content provider system via the network], the device profile information specifying two or

more media formats that are compatible with the subscriber media device" as in claim 8:

Abburi teaches: sending device profile information ((Abburi) in at least FIG. 1-2;

Col 10 lines 1-60-Col 11 lines 1-15; Col 68 lines 50-60, Col 69 lines 1-25) In the

passages cited Abburi teaches a source receiving the name of an input file having

content from a dictionary. Abburi teaches the device profile information specifying two

or more media formats that are compatible with the subscriber media device (see at

least Col 10; wherein the prior art teaches "transfer file from the input format to the

output format according to the type of encoding specified in the dictionary...packaged

(music, eg.) Abburi further teaches a plurality of users, each having a unique identifier

and the user login where the login provides the user profile and provides information on

the device to the license store for each unique device. The prior art teaches as cited a

single user profile sent, group profile sent etc...

Hutsch teaches sending device profile information from the content broker

system to the content provider system via the network.

Applicant's argue that the cited portions of Hutsch fail to disclose or suggest

"sending device profile information from the content broker system to the content

provider system via the network, the device profile information specifying two or more

media formats that are compatible with the subscriber media device" of claim 8.

Abburi, as cited above teaches the device profile information specifying two or

more media formats that are compatible with the subscriber media device (see at least

Col 10; wherein the prior art teaches "transfer file from the input format to the output

format according to the type of encoding specified in the dictionary...packaged (music,

eg.),

Both Abburi and the prior art Hutsch are directed to a method and system

for receiving content request from a multiplicity of user device(s) and specialized

devices. The prior art Hutsch teaches a universal broker includes access to a

plurality of content providers wherein each content provider accesses content

having different data format. The prior art also teaches that content request as

disclosed in para 0165 requires raw data format and that some request

encompass data format not readily available with the service and teaches

requesting that if data format requested is not available that the content broker

will request the factories (i.e. content provider) for the type of information

requested. The prior art teaches the purpose of the art to be is to solve the

issuer where services or content provided by some provider systems may be

incompatible with services or content provided by other provider systems and

solving the situation where communication schemes(*note plurality of*

communication schemes) may be incompatible and not universally accessible or

supported by all client systems. The prior art is further directed toward solving

the issue where existing portal products are limited to a subset of client systems

and permitting this subset of client systems (note plurality of systems) to access

at most a limited amount of content that is available which fairly suggest that

more than one format is requested for availability from the factories (content

providers)

The prior art further teaches in para 0165:

> [0165] In **provider check operation** 403, desktop servlet 322 uses presentation and logic
> service 323 to determine **whether there are components available within service 323
> to access universal content broker 113 for the type of information requested, e.g.,
> for the MIME type of the information** (para 0114 defines MIME *as an example of a
> definition of a type of content. In general, the* **content type determines the raw data
> format of the content**. *As explained more completely below, the content identifier is used
> to select a content provider that supplies, creates, or* **acts on content having a raw data
> format**) . For example, service 323 may access a user configuration file that was
> generated using configuration server 336 to determine whether components within service
> 323 have been instantiated for accessing universal content broker 113 for the type of
> information requested and for this user. If such components do not exist, in one
> embodiment, service 323 **accesses a registry of factories to determine whether
> components can be instantiated for accessing the requested type of content,** and if
> so uses the appropriate factory to instantiate the necessary components within service
> 323.

Hutsch teaches that upon determining a type of information (MIME) requesting

from the factories (content provider) the type of information requested. The rejection is

maintained.

Claims 16, 9-10:

Applicant's argument with respect to the cited portions of Wang, Hutsch, Mourad and Hymel do not disclose "a content broker process server to send a device profile to the remote content provider via a network wherein the device profile includes information identifying a plurality of media formats are usable by the subscriber" as in claim 16

The Examiner respectfully disagrees for at least the following reasons:

See comments as outlined in claim 1 above since this limitation in claim 16 is identical limitation argues by applicant in claim 1.

Claims 50, 51 and 60:

Applicant's arguments with respect to claims 50, 51 and 60 are not persuasive since Applicants only argued the limitation as addressed above for claim 16 (Claims 50, 51 and 60 depend from claim 16). The examiner maintains the rejections of claims 50-51 and 60 for at least these reasons:

Applicants arguments with respect to claims 57-58 are not persuasive since Applicant's only argued the limitation as addressed above for claim 1 (Claims 57-58 depend from claim 1) The examiner maintains the rejections of claims 57-58 for these reasons.

Examiner's Note

5.   The examiner makes notes that no claims were submitted with the arguments

and remarks submitted by the applicant and therefore has directed the action to the

claims presented 12/21/2010.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   **Claims 1-7, 53-56 rejected under 35 U.S.C. 103(a) as being unpatentable**

over US Patent No. 6,362,836 by Shaw et al. (Shaw), in view of US Patent No.

7,213,005 B2 by Maurad et al. (Mau) and further in view of US Pub 2001/0034771

A1 by Hutsch et al (Hutsch).

In reference to Claim 1:

Shaw teaches/suggest:

(Previously Presented) A content broker system comprising: a content broker module; and a memory accessible to the content broker module ((Shaw) in at least FIG. 1, FIG. 2; Col 4 lines 10-25, 45-50, Col 6 lines 50-55); wherein the memory stores a device profile table that includes a first data record, identifying at least one media device associated with a user account and a second data record identifying a list of two or more media formats that are compatible with the at least one media device; ((Shaw) in at least FIG. 1; Col 4 lines 12-67; wherein the prior art teaches multiple protocols for application use and display within the user device environment, Col 6 lines 50-62; wherein the prior art teaches a "first tier contains a "variety of diverse client devices"...a "second tier having browser interface usable in a standard Microsoft windows environment"...Java interface, Html interface, etc...which fairly suggest identifying device and identifying compatible protocol)

and wherein the content broker module is configured to: ... wherein the second data record is retrieved from the memory and wherein the content provider is distinct from the content broker system and is distinct from the at least one media device ((Shaw) in at least Col 9 lines 15-25, 30-54, Col 12 lines 20-40); receive media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats that are compatible with the at least one media device ((Shaw) in at least Col 4 lines 10-67, Col 6 lines 50-59, Col 9 lines 35-67, Col 10 lines 1-10, Col 12 lines 19-50);...

Shaw suggest but does not teach:

... and wherein the content broker module is configured to: send, to a content provider via a network, the second data record identifying the list of two or more media formats that are compatible with the at least one media device,... and receive a digital rights license key from the content provider, the digital rights license key enabling use of the media content

Hutsch teaches:

..."wherein the memory stores a device profile table that includes a first data record, identifying at least one media device associated with a user account ((Hutsch) in at least para 0018, para 0025-0026, para 0207-0208) ... and wherein the content broker module is configured to: send, to a content provider via a network, the second data record identifying the list of two or more media formats that are compatible with the at least one media device, wherein the second data record is retrieved from the memory ((Hutsch) in at least para 0165; wherein the broker checks if service may be accessed by user and whether components for service have been instantiated, and if not then the broker accesses a registry of factories to determine whether components can be instantiated for accessing the requested content; which teaches/makes obvious sending to the provider data identifying components needed for compatibility of media formats thereby suggesting modification of the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3)

With respect to the prior art teaching a service, the examiner points to FIG. 3B, FIG. 4 and

[0037] In one embodiment of the present invention **a computer program product comprising computer program code for a universal content broker service**

including at least one of, or **alternatively any combination of a component interface**; a content provider interface; a content provider manager interface; **and a content identifier factory interface.**

[0161] FIG. 4 is a high-level process flow diagram for one embodiment of network portal system 100. A user inputs a request via a browser 304 executing on client device 102i in transmit request to web-top manager operation 401. **Information in the request identifies whether the request is for content available through universal content broker 113, for content available from an external provider, e.g., through one of plurality of portlets 324, or for a service in remote applications 310 that is supported by web-top manager 111.**

[0162] The request from browser 304 is transmitted over a network to web-top manager 311 in transmit request to web-top manager operation 401. As described above, the transmitted request includes the type of document or service requested, the type of client device 102i that is making the request, the type of the browser executing on client device 102i, and the communication protocol that is typically part of a uniform resource locator (URL) included in the request.

[0163] In response to the request, web server 320, which in one embodiment is the Tomcat server supplied by The Apache Software Foundation, 1901 Munsey Drive, Forest Hill, Md. 21050-2747, U.S.A, determines how to process the request. It should be noted that web server 320 may require various user authentications before access to web server 320 itself, or before access to any information accessible via web server 320 is granted. The particular techniques used for such authentication as well as the various levels of authentication that may be used are not essential to this invention and so are not considered further.

[0164] Web server 320 determines whether the request is for universal content broker 113 in UCB Check operation 402. If the request if for universal content broker 113, check operation 402 transfers to provider check operation 403 and otherwise to application check operation 420.

[0165] In provider check operation 403, desktop servlet 322 uses presentation and logic service 323 to **determine whether there are components available within service 323 to access universal content broker 113 for the type of information requested, e.g., for the MIME type of the information. For example, service 323 may access a user configuration file that was generated using configuration server 336 to determine whether components within service 323 have been instantiated for accessing universal content broker 113 for the type of information requested and for this user. If such components do not exist, in one embodiment, service 323 accesses a registry of factories to determine whether components can be instantiated for accessing the requested type of content, and if so uses the appropriate factory to instantiate the necessary components within service 323.**

[0166] In either of these cases, there are **components within service 323 for interacting with universal content broker 113 for the particular type of data requested and so check operation 403 transfers to access components operation 405**, and otherwise transfers to return provider error operation 404. In return provider error operation 404, desktop servlet 322 generates an HTML page that is returned to client device 102i, which informs the user that the requested content is unavailable.

Note that the prior art teaches determining if the components are available within

service 323 to access universal content broker for the type of information request for

MIME (para 0114 defines MIME *as an example of a definition of a type of content. In*

*general, the **content type determines the raw data format of the content***. *As*

explained more completely below, the content identifier is used to select a content

*provider that supplies, creates, or **acts on content having a raw data format**).* As

presented in the prior art the universal content broker and the "presentation and logic

service 323" are interrelated and connected for any content distributed by the universal

content broker. As cited above the prior art teaches of a factory interface with the

universal broker in the computer program product. The service 323 is not a separate

entity but a logic program that works interactively with the universal broker program.

Therefore fairly suggesting to one of ordinary skill in the art that the universal broker

must as presented by the prior art encompass the logic service 323 in order to

determine any MIME, thereby providing some teaching, suggestion, or motivation in the

prior art that would have led one of ordinary skill to modify the prior art reference

teachings to arrive at the claimed invention. See MPEP § 214 3.

Mau teaches:

        ... and a second data record identifying a list of two or more media formats that

are compatible with the at least one media device ((Mau) in at least Col 8 lines 25 V.D,

Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38-67... and receive a digital rights

license key from the content provider, the digital rights license key enabling use of the

media content ((Mau) Col 10 lines 19-20, 23-28) in response to a subscriber request,

the new digital rights license key to authorize the set of new usage rights)

Although Shaw does not teach "wherein the memory stores a device profile table

that includes a first data record, identifying at least one media device associated with a

user account", Shaw does teach a protocol engine uses a database engine to access

list to determine appropriate protocol(see Col 12 lines 18-39. see Col 15 lines 3-18).

Shaw states decoding media data for display on a device which strongly suggest that

the protocol engine accesses the database engine in order to determine decoding for

targeted devices.

Both teachings of Shaw and Hutsch are directed toward distribution over a

network, Hutsch provides motivation in that if components are not available contacting

the factories to obtain components needed in order to media to be utilized. The

information sent to the factories strongly suggest information of needed media formats

that are compatible media device. Therefore, the prior art would have been obvious for

combination as it provides some teaching, suggestion, or motivation in the prior art that

would have led one of ordinary skill to modify the prior art reference or to combine prior

art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

While the prior art Shaw does not teach application formats compatible with

respect to the devices accessing the applications. The prior art does teach that the

applications are downloaded for usage which fairly suggest that the applications format

are compatible. The prior art Mau teaches in at least Col 11 lines 38-67 that media

distributions comes in various formats in order to distribute different content nature,

provide additional preprocessor (filtering, compression, etc...) and to allow for

accommodating different content types to allow the introduction of new technology,

which provides some teaching, suggestion, or motivation (i.e. applying a known

technique to a known device (method, or product) ready for improvement to yield

predictable results) in the prior art that would have led one of ordinary skill to modify the

prior art reference or to combine prior art reference teachings to arrive at the claimed

invention. See MPEP § 214 3

      Although the prior art Shaw does not teach receiving a digital rights license key,

the prior art does teach the broker authenticates use of application against database

information, and teaches a list of applications that can be presented to the user for

application access. Mau teaches the motivation of license keys with respect to

application usage so as to provide authorized content to users. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the

prior art teachings as there is some teaching, suggestion, or motivation in the prior art

that would have led one of ordinary skill to modify the prior art reference or to combine

prior art reference teachings to arrive at the claimed invention. See MPEP § 2143 In

reference to Claim 2:

The combination teaches:

      (Previously Presented) The content broker system of claim 1 (see rejection of

claim 1 above), wherein memory further includes a media asset table that includes a

third data record that the media content acquired via the content broker system for the

user account from a plurality of content providers, the third data record for each media

content item including, a unique identifier, a title, a category, a media type, a media

characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a

distributor unique content ID, and a distributor identifier ((Shaw) in at least abstract; FIG.

7B; Col 9, Col 8 lines 55-67. Col 11 lines 17-33. Col 14 lines 50-65; (Mau) Col 61 lines

20-22, FIG. 14, FIG. 23-24, FIG. 30-38)

In reference to Claim 3:

The combination teaches:

> (Previously Presented) The content broker system of claim 2 (see rejection of

claim 2 above), further comprising a single sign-on identity service to authorize access

to the user account based on received single sign-on authentication credentials, and to

authorize access to the plurality of content providers based on the received single sign:

on authentication credential .((Shaw) in at least Col 4 lines 35-45, Col 8 lines 60-67, Col

9 lines 5-15, 30-35, Col 13 lines 40-60).

In reference to Claim 4:

The combination teaches:

> (previously presented) The content broker system of claim 3 (see rejection of

claim 3 above), wherein authorizing access to the plurality of content providers includes:

aggregating media content titles of media content available from the plurality of content

providers ((Shaw) in at least FIG. 1, FIG. 7B; Col 9 lines 3- 55), receiving subscriber

request to access the media content; and sending an access request to the content

provider along with the second data record identifying the list of two or more media

formats that are compatible with the at least one media device.((Shaw) in at least FIG.

7A-B; Col 4, Col 5 lines 5-Col 6 lines 1-10)

In reference to Claim 5:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of

claim 1above), further comprising a network interface that uses web services protocols

to communicate with the content provider via the network ((Shaw) in at least FIG. 2,

FIG. 4; Col 1 lines 45- 55, Col 4 lines 15-20, 45-60; (Mau) FIG. 6; Col 25 lines 60-61;

(Mau) in at least Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines

38-67).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 6:

The combination teaches:

(Previously Presented) The content broker system of claim 3 (see rejection of

claim 3 above), wherein the content provider uses the single sign-on authentication

credentials to verify a user's information including the second data record identifying the

list of two or more media formats that are compatible with the at least one media device

.((Shaw)in at least Col 4, Col 9 lines 15-25, 30-54, Col 12 lines 20-40; (Mau) in at least

Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38- 67).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 7:

The combination teaches:

(Previously presented) The content broker system of claim 6 (see rejection of

claim 6 above), wherein the content broker module receives media content information,

the media content, and the digital rights license key from the content provider via the

network in response to a content purchase request by the user ((Shaw) Col 4 lines 32-

40, Col 8 lines 60-67, Col 9 lines 1-15, 30- 35, Col 11 lines 17-35, Col 13 lines 22-50;

(Mau) FIG. 6, FIG. 8-9, FIG. 10, FIG. 12; Col 43 lines 14-45, Col 44 lines 62-64, Col 45

lines 49-52, Col 46 lines 18-20, 46-49, 62-63, 65-68)

In reference to Claim 53:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of

claim 1 above), wherein the memory stores a media asset table associated with the

user account, wherein the media asset table indicates usage rights associated with

media assets, the usage rights including a right to store the received media content on

at least one media device ((Shaw) in at least FIG. 2, FIG. 4; Col 3 lines 50-63, Col 4

lines 15-25, 45-50, Col 5 lines 5-20, 55-67, Col 9 lines 1-9, 30-54, Col 10 lines 1-10;

(Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6-25)

In reference to Claim 54:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of

claim 1 above), wherein the memory stores a media asset table associated with the

user account, wherein the media asset table indicates usage rights associated with

media assets, the usage right including a right to store received media content in the

particular media format ((Shaw) in at least Col 8 lines 55-65, Col 9 lines 5-14, 30-35;

(Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6- 25)

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 55:

The combination teaches:

        (Previously presented) The content broker system of claim 1 (see rejection of

claim1 above), wherein the memory is further to store a log of media assets that have

been acquired via the content broker system from a plurality of different content

providers and that are associated with the user account ((Shaw) in at least FIG. 1, FIG.

2; Col 4 lines 10-25, 45-50, Col 6 lines 50-55, Col 3 lines 50-63, Col 5 lines 5-20, 55-67,

Col 9 lines 1-9, 30- 54, Col 10 lines 1-10 ;(Mau) Col 14 lines 6-10).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 56:

The combination teaches:

        (Previously Presented) The content broker system of claim 1 (see rejection of

claim 1 above), wherein in response to a user request to reacquire a previously

accessed media asset, the content broker module is further to provide to the third party

content provider via the network, a license key obtained when the previously accessed

media asset was purchased ((Mau) Col 14 lines 12-14, Col 10 lines 19- 20, 23-28)

(see rationale supporting obviousness and motivation to combine of claim 1 above)

9. **Claims 8 and 59-60 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abburi) and

further in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch).

In reference to Claim 8:

Abburi teaches/suggest:

(Previously Presented) A method of distributing content, the method comprising:

electronically sending, usage rights request from a content broker system to a content

provider system via a network, the usage rights request requesting usage rights for a

media asset ((Abburi) in at least Col 15 lines 22-23, Col 16 lines 6-12), wherein the

usage rights validate permission to play the media asset at a subscriber media device

((Abburi) in at least FIG. 25; Col 4 lines 18-15, Col 58 lines 35-45); sending device

profile information ((Abburi) in at least FIG. 1, FIG. 2; Col 10 lines 1-60-Col 11 lines 1-

15, Col 68 lines 50-60, Col 69 lines 1-25) ...the device profile information specifying two

or more media formats that are compatible with the subscriber media device ((Abburi) in

at least Col 10; wherein the prior art teaches "transfer file from the input format to the

output format according to the type of **encoding specified in the**

dictionary...packaged (music, eg.) is received in a compressed format such as .wav or

.mp3; which suggest that more than one formation specified and would have been

obvious "to try" – choosing from a finite number of identified, predictable solutions, with

a reasonable expectation of success); receiving the media asset from the content

provider system via the network ((Abburi) in at least FIG. 23), wherein the media asset

is received in a media format that is compatible with the subscriber media device,

wherein the media format is selected by the content provider based on the device profile information ((Abburi) in at least Col 10); and receiving from the content provider via the network, a digital rights license key ((Abburi) in at least FIG. 5B, FIG. 18; Col 3 lines 37-50) and information specifying media characteristics of the media asset, the media characteristics specifying the media format and a fidelity ((Abburi) in at least Abstract; Col 4 lines 12-29, 39-67)of the media asset ((Abburi) in at leas Col 9 lines 16-67, Col 10 lines 1-44; wherein the prior art teaches instructions accompany digital content and received input parameters can be specified ...authoring tool can produce multiple variations of the package for multiple pieces of digital content ...parameters embodied in the form of a dictionary...encoding on the digital content ...to transfer the file from the input format to the output format according to the dictionary), wherein the digital rights license key authorizes the requested usage rights ((Abburi) Col 3 lines 60-67, Col 4 lines 1-10, 16-28)

Abburi does not teach:

    ... sending device profile information from the content broker system to the content provider system via the network ...

Hutsch teaches:

    ... sending device profile information from the content broker system to the content provider system via the network ... ((Hutsch) in at least para 0165; wherein the broker checks if service may be accessed by user and whether components for service have been instantiated, and if not then the broker accesses a registry of factories to determine whether components can be instantiated for accessing the requested

content; which teaches/makes obvious sending to the provider data identifying

components needed for compatibility of media formats thereby suggesting modification

of the prior art reference or to combine prior art reference teachings to arrive at the

claimed invention. See MPEP § 214 3)

   With respect to the prior art teaching a service, the examiner points to

FIG. 3B, FIG. 4 and

[0037] In one embodiment of the present invention **a <u>computer program product</u> comprising computer program code for a universal content broker service including at least one of**, or **alternatively any combination of a component interface**; a content provider interface; a content provider manager interface; **and a content identifier factory interface.**

[0161] FIG. 4 is a high-level process flow diagram for one embodiment of network portal system 100. A user inputs a request via a browser 304 executing on client device 102i in transmit request to web-top manager operation 401. **Information in the request identifies whether the request is for content available through universal content broker 113, for content available from an external provider, e.g., through one of plurality of portlets 324, or for a service in remote applications 310 that is supported by web-top manager 111**.

[0162] The request from browser 304 is transmitted over a network to web-top manager 311 in transmit request to web-top manager operation 401. As described above, the transmitted request includes the type of document or service requested, the type of client device 102i that is making the request, the type of the browser executing on client device 102i, and the communication protocol that is typically part of a uniform resource locator (URL) included in the request.

[0163] In response to the request, web server 320, which in one embodiment is the Tomcat server supplied by The Apache Software Foundation, 1901 Munsey Drive, Forest Hill, Md. 21050-2747, U.S.A, determines how to process the request. It should be noted that web server 320 may require various user authentications before access to web server 320 itself, or before access to any information accessible via web server 320 is granted. The particular techniques used for such authentication as well as the various levels of authentication that may be used are not essential to this invention and so are not considered further.

[0164] Web server 320 determines whether the request is for universal content broker 113 in UCB Check operation 402. If the request if for universal content broker 113, check operation 402 transfers to provider check operation 403 and otherwise to application check operation 420.

[0165] In provider check operation 403, desktop servlet 322 uses presentation and logic service 323 to **determine whether there are components available within service 323 to access universal content broker 113 for the type of information requested, e.g.,**

> for the MIME type of the information. For example, service 323 may access a user
> configuration file that was generated using configuration server 336 to determine
> whether components within service 323 have been instantiated for accessing
> universal content broker 113 for the type of information requested and for this
> user. If such components do not exist, in one embodiment, service 323 accesses a
> registry of factories to determine whether components can be instantiated for
> accessing the requested type of content, and if so uses the appropriate factory to
> instantiate the necessary components within service 323.
>
> [0166] In either of these cases, there are **components within service 323 for**
> **interacting with universal content broker 113 for the particular type of data**
> **requested** and so check operation 403 transfers to access components operation
> **405**, and otherwise transfers to return provider error operation 404. In return provider
> error operation 404, desktop servlet 322 generates an HTML page that is returned to
> client device 102i, which informs the user that the requested content is unavailable.

Note that the prior art teaches determining if the components are available within

service 323 to access universal content broker for the type of information request for

MIME (para 0114 defines MIME *as an example of a definition of a type of content. In*

general, the **content type determines the raw data format of the content**. *As*

explained more completely below, the content identifier is used to select a content

provider that supplies, creates, or **acts on content having a raw data format**). As

presented in the prior art the universal content broker and the "presentation and logic

service 323" are interrelated and connected for any content distributed by the universal

content broker. As cited above the prior art teaches of a factory interface with the

universal broker in the computer program product. The service 323 is not a separate

entity but a logic program that works interactively with the universal broker program.

Therefore fairly suggesting to one of ordinary skill in the art that the universal broker

must as presented by the prior art encompass the logic service 323 in order to

determine any MIME, thereby providing some teaching, suggestion, or motivation in the

prior art that would have led one of ordinary skill to modify the prior art reference

teachings to arrive at the claimed invention. See MPEP § 214 3.

Both teachings of Shaw and Hutsch are directed toward distribution over a

network, Hutsch provides motivation in that if components are not available contacting

the factories to obtain components needed in order to media to be utilized. The

information sent to the factories strongly suggest information of needed media formats

that are compatible media device. Therefore, the prior art would have been obvious for

combination as it provides some teaching, suggestion, or motivation in the prior art that

would have led one of ordinary skill to modify the prior art reference or to combine prior

art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 59:

The combination teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8 above),

further comprising sending a second usage rights request from the content broker

system to the content provider system via the network, wherein the second usage rights

request requests include a right to store a previously accessed media asset on a

specified device ((Abburi) Col 4 lines 20-54, Col 51 lines 31-47; wherein the prior art

teaches an (n)th key which suggest multiple usage rights; Col 58 lines 43-49)

See also MPEP 2144.04 Duplication of Parts; In re Harza, 274 F.2d 669, 124 USPQ

378 (CCPA 1960) the court held that mere duplication of parts has no patentable

significance unless a new and unexpected result is produced.

In reference to Claim 60:

The combination teaches:

(Previously Presented) The method of claim 59 (see rejection of claim 59 above), wherein the second usage rights request requests include a right to store the second media asset in a specified format ((Abburi) in at least Col 10 lines 30-42; Col 51 lines 31-47; wherein the prior art teaches an (n)th key which suggest multiple usage rights

10.   Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abburi) and US Pub 2001/0034771 A1 by Hutsch et al (Hutsch) as applied to claim 8 above, and further in view of US Patent No. 7,054,416 B2 by Meyerson et al. (Meyerson)

In reference to Claim 9:

The combination teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8 above), wherein, in response to receiving the usage rights request and the device profile information, ...resolution, fidelity, or bit rate to accommodate the usage right request.

The combination suggest does not teach:

... the content provider adapts the media asset with regard to media format,...((Hutsch) in at least abstract)

Meyerson teaches:

... the content provider adapts the media asset with regard to media format,...((Meyerson) abstract; Col 11 lines 31-59).

Both the combination and Meyerson are directed toward providing various media formats. Meyerson teaches the motivation of users rely on a combination of

communication devices and require media content to be compatible with the various

devices. The combination teaches that different devices require different formatting on

disparate devices. The prior art therefore provides some teaching, suggestion, or

motivation in the prior art that would have led one of ordinary skill to modify the prior art

reference or to combine prior art reference teachings to arrive at the claimed invention.

See MPEP § 214 3

11.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 7,203,066 B2 by Abburi et al. (Abburi) and US Pub 2001/0034771 A1 by

Hutsch et al (Hutsch) as applied to claim 8 above, and further in view of Us Patent

No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 10:

The combination teaches:

        (Previously Presented) A method of claim 8 (see rejection of claim 8 above),

wherein a hosting service obtains the digital rights license key ... of the new digital rights

license key ((Abburi) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

The combination does not teach

        ...and notifies the content provider of receipt ...

Wang teaches:

        ...and notifies the content provider of receipt ((Wang) Col 10 lines 9-11, Col 14

lines 62-65; wherein in Col 10 Wang teaches when action is done verification notice is

sent; wherein Col 14 Wang teaches template includes copyright and content areas in

quick message)

The combination teaches of the new license and key being sent to the user.

Wang teaches a message acknowledging copyrights and content areas after adaption is

made. A license is permission to use content areas. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to use a known

technique to improve a similar method or product in the same way.

12.   Claims 16-18, 22-24 and 62 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of

and US Pub 2001/0034771 A1 by Hutsch et al (Hutsch), in view of US Patent No.

7,213,005 B2 by Maurad et al (Maurad) and further in view of US Patent No.

6,832,259 B2 by Hymel et al. (Hymel)

In reference to Claim 16:

Wang teaches:

(Previously Presented) A system to provide a content brokerage service, the

system comprising: a content broker process server to: provide to a subscriber a set of

single sign-on credentials that enable the subscriber to access a content brokerage

service and access enable the subscriber to a remote content provider ((Wang) in at

least FIG. 1 ,FIG. 2; Col 2 lines 32-40, Col 5 lines 49-61, Col 6 lines 55-67, Col 7 lines

1-5, Col 8 lines 5-25);...wherein the set of usage rights validates permission to play the

media asset at a the subscriber media device; and a memory to store the device profile

((Wang) FIG. 1, Fig. 2, Fig. 5; Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60) ...

Wang suggest:

...and receive from the remote content provider a license key to authorize a set of usage rights associated with a media asset,...((Wang) Abstract; Col 2 lines 30- 40)... wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device ((Wang) Col 5 lines 30-47, Col 8 lines 5-25, Col 11 lines 43-55, 60-67)...

Maurad teaches:

...and receive from the remote content provider a license key to authorize a set of usage rights associated with a media asset,...((Maurad) Col 12 lines 2-7, 25- 35, Col 14 lines 7-25, Col 22 lines 20-30)

Wang and Maurad do not teach:

... information indicating an amount of memory available at subscriber media device

Hymel teaches:

... information indicating an amount of memory available at subscriber media device ((Hymel) in at least Col 1 lines 20-32)

Wang does not teach:

... send a device profile to the remote content provider via a network, wherein the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber;...

Hutsch teaches:

... send a device profile to the remote content provider via a network, wherein the device profile includes information identifying a plurality of media formats that are

useable by a subscriber media device of the subscriber;... ((Hutsch) in at least para

0165; wherein the broker checks if service may be accessed by user and whether

components for service have been instantiated, and if not then the broker accesses a

registry of factories to determine whether components can be instantiated for accessing

the requested content; which teaches/makes obvious sending to the provider data

identifying components needed for compatibility of media formats thereby suggesting

modification of the prior art reference or to combine prior art reference teachings to

arrive at the claimed invention. See MPEP § 214 3)

 With respect to the prior art teaching a service, the examiner points to

FIG. 3B, FIG. 4 and

[0037] In one embodiment of the present invention **a computer program product comprising computer program code for a universal content broker service including at least one of**, or **alternatively any combination of a component interface**; a content provider interface; a content provider manager interface; **and a content identifier factory interface.**

[0161] FIG. 4 is a high-level process flow diagram for one embodiment of network portal system 100. A user inputs a request via a browser 304 executing on client device 102i in transmit request to web-top manager operation 401. **Information in the request identifies whether the request is for content available through universal content broker 113, for content available from an external provider, e.g., through one of plurality of portlets 324, or for a service in remote applications 310 that is supported by web-top manager 111**.

[0162] The request from browser 304 is transmitted over a network to web-top manager 311 in transmit request to web-top manager operation 401. As described above, the transmitted request includes the type of document or service requested, the type of client device 102i that is making the request, the type of the browser executing on client device 102i, and the communication protocol that is typically part of a uniform resource locator (URL) included in the request.

[0163] In response to the request, web server 320, which in one embodiment is the Tomcat server supplied by The Apache Software Foundation, 1901 Munsey Drive, Forest Hill, Md. 21050-2747, U.S.A, determines how to process the request. It should be noted that web server 320 may require various user authentications before access to web server 320 itself, or before access to any information accessible via web server 320 is granted. The particular techniques used for such authentication as well as the various

levels of authentication that may be used are not essential to this invention and so are not considered further.

[0164] Web server 320 determines whether the request is for universal content broker 113 in UCB Check operation 402. If the request if for universal content broker 113, check operation 402 transfers to provider check operation 403 and otherwise to application check operation 420.

[0165] In provider check operation 403, desktop servlet 322 uses presentation and logic service 323 to **determine whether there are components available within service 323 to access universal content broker 113 for the type of information requested, e.g., for the MIME type of the information. For example, service 323 may access a user configuration file that was generated using configuration server 336 to determine whether components within service 323 have been instantiated for accessing universal content broker 113 for the type of information requested and for this user. If such components do not exist, in one embodiment, service 323 accesses a registry of factories to determine whether components can be instantiated for accessing the requested type of content, and if so uses the appropriate factory to instantiate the necessary components within service 323.**

[0166] In either of these cases, there are **components within service 323 for interacting with universal content broker 113 for the particular type of data requested and so check operation 403 transfers to access components operation 405**, and otherwise transfers to return provider error operation 404. In return provider error operation 404, desktop servlet 322 generates an HTML page that is returned to client device 102i, which informs the user that the requested content is unavailable.

Note that the prior art teaches determining if the components are available within service 323 to access universal content broker for the type of information request for MIME (para 0114 defines MIME *as an example of a definition of a type of content. In general, the* **content type determines the raw data format of the content**. *As explained more completely below, the content identifier is used to select a content provider that supplies, creates, or* **acts on content having a raw data format**). As presented in the prior art the universal content broker and the "presentation and logic service 323" are interrelated and connected for any content distributed by the universal content broker. As cited above the prior art teaches of a factory interface with the universal broker in the computer program product. The service 323 is not a separate entity but a logic program that works interactively with the universal broker program.

Therefore fairly suggesting to one of ordinary skill in the art that the universal broker

must as presented by the prior art encompass the logic service 323 in order to

determine any MIME, thereby providing some teaching, suggestion, or motivation in the

prior art that would have led one of ordinary skill to modify the prior art reference

teachings to arrive at the claimed invention. See MPEP § 214 3.

Both Wang and Maurad are directed toward providing media content to

authorized users. Maurad teaches the motivation of licensing in order to authorize

media use, which provides some teaching, suggestion, or motivation in the prior art that

would have led one of ordinary skill to modify the prior art reference or to combine prior

art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

Both the combination and Hymel are directed toward user devices receiving data

content. Hymel teaches that it is old and well known with respect to certain devices for

providers to store device profiles in order to distribute services to the user devices.

Hymel further teaches that it is old and well known for certain user devices to have

dynamic parameters, i.e. available memory and to manipulate the data content in order

to meet the dynamic parameters of the user device. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the prior

art teaching according to known methods as the prior art provides some teaching,

suggestion, or motivation in the prior art that would have led one of ordinary skill to

modify the prior art reference or to combine prior art reference teachings to arrive at the

claimed invention See MPEP § 214 3. Furthermore, the prior art provides obviousness

as known work in one field of endeavor may prompt variations) of it for use in either the

same field or a different one based on design incentives (dynamic variables)or other

market forces if the variations are predictable to one of ordinary skill in the art

Both teachings of Shaw and Hutsch are directed toward distribution over a

network, Hutsch provides motivation in that if components are not available contacting

the factories to obtain components needed in order to media to be utilized. The

information sent to the factories strongly suggest information of needed media formats

that are compatible media device. Therefore, the prior art would have been obvious for

combination as it provides some teaching, suggestion, or motivation in the prior art that

would have led one of ordinary skill to modify the prior art reference or to combine prior

art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 17:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above),

wherein the content broker process server facilitates distribution of the license key and

distribution the media asset to the subscriber media device ((Wang) Col 14 lines 60-

65).

Wang does not teach:

... distribution of the license key and the media asset to the subscriber media

device

Maurad teaches:

... distribution of the license key and the media asset to the subscriber media

device,...((Maurad) Col 12 lines 2-7, 25-35, Col 14 lines 7-25, Col 22 lines 20- 3O).

(see rationale supporting obviousness and motivation to combine of claim 16 above)

In reference to Claim 18:

The combination teaches:

(Previously Presented) The system of claim 17 (see rejection of claim 17 above),

wherein the content broker...

The combination does not explicitly teach:

...process server facilitates the distribution of the license key and the distribution

of the media asset by sending a request to the remote content provider, wherein the

request instructs the remote content provider via the network to send the license key

and the media asset to the subscriber media device

Maurad teaches:

... process server facilitates the distribution of the license key and the distribution

of the media asset by sending a request to the remote content provider, wherein the

request instructs the remote content provider via the network to send the license key

and the media asset to the subscriber media device ((Maurad) Col 16 lines 19-26, Col

10 lines 19-20, 23-28, Col 12 lines 2-7, 25- 35, Col 14 lines 7-25, Col 22 lines 20-30,

Col26 lines 10-20, Col 30 lines 35-60, Col 39 lines 57-67, Col 46 lines 65-67, Col 47

lines 1-19, Col 50 lines 11-28, Col 78 lines 40-60)

Both the combination and Maurad are directed toward providing media content to

authorized users. Maurad teaches the motivation of licensing in order to authorize

media use, which provides some teaching, suggestion, or motivation in the prior art that

would have led one of ordinary skill to modify the prior art reference or to combine prior

art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 22:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above),

wherein the device profile specifies includes a memory address that identifies a free

memory block to store distributed content data ((Wang) FIG. 1, FIG. 2; Col 6 lines 47-

56, Col 9 lines 66-67, Col 10 lines 2-10).

In reference to Claim 23:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above),

wherein the memory is further to store content asset information within a media asset

table, the content asset information including an indicator specifying media format of

one or more media assets authorized for use by the subscriber ((Wang) FIG. 1, FIG. 2,

FIG. 5; FIG. 10, Col 10 lines 13-25, 50- 52, Col 5 lines 60-65, Col 6 lines 45-46, Col 8

lines 50-60).

In reference to Claim 24:

The combination teaches:

(Previously Presented) The system of claim 23 (see rejection of claim 23 above),

wherein the content asset information stored in the media asset table further includes

purchase data ((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55).

In reference to Claim 62:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the set of usage rights comprises a right to store (copy) the media asset in a specified format of the plurality of media formats that are useable by the subscriber media device((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55)

13.   Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch), and in view of US Patent No. 7,213,005 B2 by Maurad et al (Maurad), US Patent No. 6,832,259 B2 by Hymel et al. (Hymel) as applied to claims 16 and 21 above; and further In view of US Patent No. 7,028,340 B1 by Kamada et al. (Kamada) in view of US Patent No. 7461142 B2 by Wadekar (Wadekar)

In reference to Claim 50:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above)

The combination does not teach:

...wherein the device profile information further includes one or more of a media access control (Mac) address of the subscriber media device and a serial number of the subscriber media device.

Wadekar teaches:

... includes one or more of a media access control (Mac) address of the subscriber media device ((Wadekar) in at least abstract; Col 1)

Kamada teaches:

...a serial number of the subscriber media device .((Kamada) in at least FIG. 2;

Col 4 lines 63-67-Col 5 lines 1-7).

Both the combination and Kamada are directed toward controlling content on

various devices. Kamada teaches identifying devices with respect to the licensing of the

device. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to utilize a known technique to improve similar devices (methods,

or products) in the same way.

Both the combination and Wadekar are directed toward communication networks

comprising numerous network devices interconnected by communications media, which

incorporates relaying and/or routing information to the various devices. The prior art

Wadekar teaches that it is typical (i.e. old and well known) with respect to direct data in

a computer network to rely on routing and/or address tables (i.e. Mac address) to send

data to correct destinations. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to combine the prior art teaching as known

work in one field of endeavor may prompt variations of it for use in either the same field

or a different one based on design incentives or other market forces if the variations are

predictable to one of ordinary skill in the art.

14.   Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of US Pub 2001/0034771 A1

by Hutsch et al (Hutsch),and in view of US Patent No. 7,213,005 B2 by Maurad et

al (Maurad), US Patent No. 6,832,259 B2 by Hymel et al. (Hymel) as applied to

claim 16 above; and further In view of US Patent No. 7,203,066 B2 by Abburi et ah

(Abburi)

In reference to Claim 51:

The combination teaches:

> (Previously Presented) The system of claim 23 (see rejection of claim 23 above),

wherein the content asset information further includes, for each of the one or more

media assets, a media asset identity, a media asset title, and a media asset category.

15.   Claim 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,362,863 B1 by Shaw et al. (Shaw), in view of US Pub 2001/0034771 A1

by Hutsch et al (Hutsch),and US Patent No. 7,213,005 B2 by Maurad et al (Maurad)

and as applied to claim 1 above, US Patent No. 6,822,663 B2 by Wang et al.

(Wang)

In reference to Claim 57:

The combination teaches:

> (Previously Presented) The content broker system of claim 1 (see rejection of

claim 1 above), wherein the device profile table further includes...

The combination does not explicitly teach:

> ... device portability information

Wang teaches:

> ... device portability information ((Wang) Col 2 lines 30-40)

> The combination teaches disparate formatting requires for specific devices and

teaches keys available for the multiple devices. The combination teaches a metadata

template the includes data fields required by end-user devices. Wang teaches that

many devices do not have the capability of other devices ((Wang) Col 1 lines 39-41).

Wang teaches a graphical layout to display a number of device types and then list of

device names for the user to chose from ((Wang) Col 9 lines 30-35, 45-49). The

combination teaches a database that is user accessible provided by the Content

Provider to retrieve as much data as possible ((Mau) Col 61 lines 20-21), where the

Content provider can tailor the template to identify the types data the Content provider

can provide the end-user ((Maurad) Col 61 lines 24-26). The combination teaches that

the user condition definitions in Col 62 lines 20- 51, which includes what kinds of media

the user can use the copies on. Wang is teaches the motivation of optimizing the source

content according to the capacities of the device and teaches a need for a system that

allows translation across multiple computer devices for greater convenience. Therefore,

it would have been obvious to one of ordinary skill in the art at the time of the invention

to expand the combination teachings with the teachings of Wang in order to optimize

the source content with the user devices.

**16.   Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over US
Patent No. 6,362,863 B1 by Shaw et al. (Shaw), in view of US Pub 2001/0034771 A1
by Hutsch et al (Hutsch) and US Patent No. 7,213,005 B2 by Maurad et al (Maurad)
as applied to claim 1 above, and further in view of US Patent No. 7,203,066 B2 by
Abburi et al. (Abburi).**

In reference to Claim 58:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of

claim 1 above), wherein the device profile table further includes information related to

whether a specified subscriber media device includes ((Shaw) in at least FIG. 2, FIG. 4;

Col 3 lines 50-63, Col 4 lines 15-25, 45-50, Col 5 lines 5-20, 55-67, Col 9 lines 1-9, 30-

54, Col 10 lines 1-10)

The combination does not explicitly teach:

    ... a removable memory

Abburi teaches:

    ... a removable memory ((Abburi) Col 7 lines 27-35)

Abburi is teaches licenses synchronized for multiple user devices. As taught by

the combination each separate user device not of the same type requires different

media formats and teaches of a need for the media data to be formatted for specific

device types. Additionally, Wang teaches the motivation to optimize the source content

according to the capabilities of the selected device and the flexibility of utilizing content

across multiple devices. Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention to include in the teachings of Abburi which teach

using multiple diverse devices the teachings of Wang to optimized media formats for

separate user devices.

17.   **Claim 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over US**

Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of US Pub 2001/0034771 A1

by Hutsch et al (Hutsch)and US Patent No. 7,213,005 B2 by Maurad et al (Maurad),

in view of US Patent No. 6,832,259 B2 by Hymel et al. (Hymel)as applied to claim

16 above and further in view of US Patent No. 7,203,066 B2 by Abburi et al

(Abburi).

In reference to Claim 61:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above),

wherein the set of usage rights...

The combination does not explicitly teach:

... comprises a right to store (copy) the media asset on a the subscriber media

device ((Abburi) Col 2 lines 55-64, Col 3 lines 1-10)

Both the combination and Abburi are directed toward accessing source material

for computer device. The combination teaches of source material and devices needing

to be compatible. Abburi teaches device identifiers to coordinate with license to control

source access within the criteria of the provider. The combination teaches limited

accessibility to protect the rights of the source provider. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the

teachings the combination and Abburi to further provide access to the source material.

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARY GREGG whose telephone number is (571)270-

5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Abdi can be reached on 5712726702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

20.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694

/Sarah M Monfeldt/
Primary Examiner, Art Unit 3694